



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

IN THE MATTER OF:

	:	Proceeding under Section 308 of the
City of Elkins	:	Clean Water Act, 33 U.S.C. § 1318
515 Wilson Street	:	
Elkins, West Virginia 26241	:	INFORMATION REQUIREMENT
	:	
Respondent	:	
	:	
	:	

I. STATUTORY AUTHORITY

1. This Information Requirement is issued under the authority vested in the United States Environmental Protection Agency ("EPA") by Section 308 of the Clean Water Act ("CWA" or the "Act"), 33 U.S.C. § 1318. The Administrator of the EPA has delegated this authority to the Regional Administrator of EPA Region III who in turn has delegated it to the Director of the Water Protection Division of EPA Region III, who in turn has delegated it to the Associate Director of the Office of National Pollutant Discharge Elimination System ("NPDES") Permits and Enforcement. EPA hereby requires the City of Elkins ("City" or "Respondent") to provide the information specified below.

II. STATUTORY AND REGULATORY BACKGROUND

2. EPA is authorized under Section 308 of the CWA, 33 U.S.C. § 1318, to require owners and operators of point sources to establish records and make such reports as may be necessary to carry out the purpose of the Act, including but not limited to:
 - (a) Developing or assisting in the development of any effluent limitation, or other limitation, prohibition, effluent standard, pretreatment standard, or standard of performance under the CWA;
 - (b) Determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance;
 - (c) Any requirement under Section 308 of the CWA, 33 U.S.C. §1318; or
 - (d) Carrying out Sections 305, 311, 402, 404, and 504 of the CWA, 33 U.S.C. §§ 1315, 1321, 1342, 1344, and 1364.
3. Failure to respond as directed to a CWA Section 308 requirement is punishable under the civil and criminal provisions of Section 309 of the CWA, which provide for the assessment of penalties, injunctive relief and imprisonment. Providing misleading or

false information may subject you to civil and criminal sanctions. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

4. You may, if you desire, assert a business confidentiality claim covering all or part of the information required herein in the manner described in 40 C.F.R. Part 2 Subsection B. Information covered by such a claim will be disclosed by EPA only to the extent and by means of the procedures set forth in Subpart B, 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information required herein when it is received by EPA, it may be made available to the public by EPA without further notice. You may not withhold any information from EPA on the grounds that it is confidential business information. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act 44 U.S.C. Chapter 35. (See 5 C.F.R. Section 1320.3(c)).

III. INSTRUCTIONS

5. Provide a separate narrative response for each question contained in this Information Requirement and for each subpart of each question. Precede each answer with the corresponding number of the question to which it responds.
6. Identify each person responding to each question contained in this Information Requirement on behalf of the Respondents, as well as each person consulted in the preparation of the response.
7. For each question, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question.
8. Indicate on each document produced in response to this Information Requirement, or in some other reasonable manner, the number(s) of the question(s) to which it corresponds.
9. If required information or documents are not known or are not available at the time of your response to this Information Requirement, but later become known or available, the Respondents must supplement its response to EPA. Moreover, should the Respondents find at any time after submission of its response that any portion is or becomes false, incomplete, or misrepresents the facts; the Respondents must provide EPA with a corrected response as soon as possible.
10. If a question asks for a date or figure (e.g., date of service, dollar amount, volumetric capacity, etc.), you should provide a good faith estimate if you cannot provide the exact figure.
11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question(s).

12. All submissions provided pursuant to this requirement shall be signed and dated by a responsible official of Respondents and include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Signed _____
Title _____
Date _____

13. Submit a copy of your response to:

Ms. Rebecca Crane (3WP42)
NPDES Enforcement Branch
Water Protection Division
U. S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103-2029

And

Chief Inspector
Environmental Enforcement - Mail Code #031328
WVDEP
601 57th Street SE
Charleston, WV 25304

14. If you have questions regarding this Information Requirement, you may contact Ms. Rebecca Crane of the NPDES Enforcement Branch at (215) 814-2389 or Ms. Yvette Roundtree of the Office of Regional Counsel at (215) 814-2685.

IV. REQUEST FOR INFORMATION

Pursuant to Section 308 of the Act, 33 U.S.C. § 1318, provide the following information in accordance with the timeframe specified in this Information Requirement:

15. Beginning within 5 days of the effective date of this Information Requirement, Respondent shall sample and analyze leachate from Elkins Landfill for total recoverable copper using the methods described in Permit Section C.17 once every 14 calendar days for a total of 7 samples.
16. Within 5 days of completion of final sampling activity, Respondent shall compile and submit the chain of custody and laboratory analysis for each sample and analysis described in Paragraph 15 to EPA and WVDEP pursuant to Paragraphs 12 and 13.
17. Beginning within 5 days of the effective date of this Information Requirement, Respondent shall sample and analyze Midland Public Sewer District's influent line at the wastewater treatment plant and monitor for total recoverable copper using methods described in Permit Section C.17 once every 14 calendar days for a total of 7 samples.
18. Within 5 days of completion of final sampling activity, Respondent shall compile and submit the chain of custody and laboratory analysis for each sample and analysis described in Paragraph 17 to EPA and WVDEP pursuant to Paragraphs 12 and 13.
19. Beginning within 5 days of the effective date of this Information Requirement, Respondent shall sample and analyze wastewater at the following five (5) locations of the wastewater treatment plant: 1) point of entry to the 1.925 million gallon oxidation ditch; 2) point of discharge from the 1.925 million gallon oxidation ditch; 3) point of entry to the 1.2 million gallon circular clarifier 4) point of discharge from 1.2 million gallon circular clarifier and 5) outfall 001; and monitor for total recoverable copper using methods described in Permit Section C.17 once every 7 calendar days for a total of 5 samples.
20. Within 5 days of completion of final sampling activity, Respondent shall determine and submit to EPA and WVDEP, pursuant to Paragraphs 12 and 13 above, the percent of removal of total recoverable copper from locations 1) to 2), 2) to 3), 3) to 4), 4) to 5), and from 1) to 5) for each of the five samples of Paragraph 19.
21. Within 5 days of completion of final monitoring activity, Respondent shall compile and submit in a bulk submission the chain of custody and laboratory analysis for each monitoring activity described in Paragraph 19 to US EPA and WVDEP officials pursuant to Paragraphs 12 and 13.
22. Respondent shall conduct a translator study to determine the fraction of total recoverable dissolved copper in the Tygart River downstream from Outfall 001 no later than 15 days after the effective date of the Information requirement and for a duration of 6 months. Respondent shall refer to the document The Metals Translator: Guidance For Calculating A Total Recoverable Permit Limit From A Dissolved Criterion EPA 823-B-96-007, June 1996 for guidance. Respondent shall collect weekly samples for 6 months, according to USEPA Method 1669, which characterize completely mixed effluent plus receiving water

downstream of the discharge. Samples should be collected from the effluent and the upstream receiving water to quantify metal loading and background concentrations. Respondent shall submit to EPA and WVDEP pursuant to Paragraphs 12 and 13 the results of the translator study no later than 7 months after the effective date of the Information Requirement.

23. No later than 15 days after the effective date of the Information Requirement, Respondent shall submit to EPA and WVDEP pursuant to Paragraphs 12 and 13 copies of discharge monitoring reports required by Permit Sections A.IU06 and Section E for the time period July 2013 to December 2015.

VIII. EFFECTIVE DATE

This Information Requirement is effective upon receipt.

Date: 8-1-16



David B. McGuigan, Ph.D.

Associate Director

Office of NPDES Permits and Enforcement